



## Legislation Text

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**File #:** 19-311, **Version:** 1

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**TO:** Chair and Planning Commission

**FROM:** Jeremy Knapp, Community Development Director  
Paul Michaud, Senior Planner  
George Burton, Planner

**DATE:** August 20, 2019

**CONTACT:**

George Burton, 480-348-3525

**AGENDA TITLE:**

**Consideration of a Preliminary Plat & Private Road Conditional Use Permit (PA-19-01 and CUP -19-02). Lavitt Manor II - Two Lot Subdivision with Private Road 7525 N. Ironwood Drive (APN: 169-03-078).**

**REQUEST**

Cullum Homes filed two applications to develop a two-lot subdivision. They will split 7525 N. Ironwood Drive into two lots and create a 50-wide private road to access one of the new lots (Lot 2).

**PLANNING COMMISSION REVIEW**

The Planning Commission reviewed the preliminary plat and private road CUP at the June 4, 2019 work study session and the July 16, 2019 public hearing. During the work study review, the Commission requested that the name of the new private roadway be changed to avoid confusion with having two streets named Ironwood. As a result, and via direction from the Town Building Official, private roadway Tract A was renamed as E. Belmont Drive.

During the public hearing, representatives for two neighbors expressed concern regarding this project. One representative noted that the applicant did not comply with the storm drain design manual and the other representative expressed concern that the preliminary plat resembles a flag lot and that the development of the lots will obstruct view corridors. In response to the neighbor's concerns, the Commission requested the applicant provide additional drainage cross sections and continued the hearing to August 20, 2019. A copy of the draft July 16, 2019 Commission meeting minutes and letters from the neighboring property owners are enclosed for reference.

The applicant provided cross sections of the west and south washes, which are located on new Lot 1. The west wash drainage easement was modified in accordance with the cross sections and the Town Engineer agrees with the applicant's analysis that south wash does not meet the definition of a natural wash (and therefore does not require a drainage easement). The preliminary plat and grading and drainage plans were updated to illustrate the drainage cross sections and the modified drainage easement for the west wash.

## RECOMMENDATION

Since the preliminary plat and private road Conditional Use Permit are compliant with the Town's development standards, it is recommended that the Planning Commission approve the Lavitt Manor II Preliminary Plat and the Lavitt Manor II Private Road Conditional Use Permit, located at 7525 N. Ironwood Drive, subdividing an approximately 2.8-acre lot into two (2) residential R-43-zoned properties with a private roadway, subject to the following stipulations:

### Preliminary Plat (PA-19-01)

1. The Final Plat and related improvements of "Lavitt Manor II" located at 7525 N. Ironwood Drive (the "Property") shall be in substantial compliance with the submitted plans and documents:
  - a. The Narrative prepared by Brad Cullum;
  - b. The "Lavitt Manor II" preliminary plat, Sheet 1, prepared by Montgomery Engineering & Management, LLC and dated July 23, 2019;
  - c. The "Lavitt Manor II Paving, Grading & Drainage Plan" for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 - C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019;
  - d. The Water Service Impact Study, prepared by Montgomery Engineering & Management, LLC, and dated October 2018; and
  - e. The Preliminary Drainage Report, prepared by Montgomery Engineering & Management, LLC, with revised date December 2018;
2. The landscaping along N. Ironwood Drive and E. Belmont Drive, shall be in substantial compliance with Landscape Plan, prepared by Cullum Homes;
3. The landscaping located at the corner of private roadway Tract A and Ironwood Drive shall comply and must be maintained to ensure compliance with Section 8-1-13, Corner Vision, of the Town Code;
4. Improvements in Tract A for the "Lavitt Manor II" subdivision shall be in substantial compliance with the private road Conditional Use Permit CUP-19-02 and the "Lavitt Manor II Paving, Grading & Drainage Plan" for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 - C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019;
5. Prior to the final plat of "Lavitt Manor II" being approved by the Town Council, the applicant shall provide the will-serve correspondence from the City of Phoenix acknowledging their ability to provide water service for this two-lot subdivision as the Arizona Department of Water Resources has designated the City of Phoenix water provider as having an assured water supply;
6. Prior to the recordation of the final plat of "Lavitt Manor II," the following items must be completed:
  - a. The owner(s) of the Property, or successors, shall provide the Town, in a form acceptable to the Town Attorney, a Grant of Access Easement and Private Roadway Maintenance Agreement for the private roadway Tract A. This form shall be

- reviewed by the Town Attorney, must be in-compliance with applicable local and state laws, and must be recorded with the Maricopa County Recorder's Office. Said form shall be submitted and approved by the Town prior to recordation of the "Lavitt Manor II" final plat;
- b. The owner(s) of the Property, or successors, shall provide the Town, in a form acceptable to the Town Attorney, a Drainage Easement and Maintenance Agreement. This form shall be reviewed by the Town Engineer and Town Attorney, must be in-compliance with applicable local and state laws, and must be recorded with the Maricopa County Recorder's Office. Said form shall be submitted and approved by the Town prior to recordation of the "Lavitt Manor II" final plat;
  - c. The owner(s) of the Property, or successors, shall submit the required improvement plans for Town Engineer approval and provide a procedure and other forms of assurances necessary for the Town to be in a guaranteed position to complete the construction and related public site improvements as referenced in the "Lavitt Manor II Paving, Grading & Drainage Plan" for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 - C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019 and in CUP-19-02; and
  - d. Prior to recordation of the "Lavitt Manor II" final plat, all nonconforming structures on this property (e.g. house, guest house, tennis court, fence walls, etc.) shall be removed, with the applicable demolition permit submitted to the Town and inspections done by the Town's Community Development Department;
7. Prior to the issuance of a Certificate of Occupancy in "Lavitt Manor II" subdivision, the following items must be completed:
1. The installation of a new fire hydrant is required with the development of Lot 2 and shall be installed and inspected by the Town prior to issuance of the Certificate of Occupancy or a final inspection for the primary residence of Lot 2;
  2. The property owner(s) or designee(s) shall complete the roadway improvements referenced in CUP-19-02; and
  3. The property owner(s) or designee(s) shall demonstrate that the fire sprinkler system is in compliance with the National Fire Protection Association standard 13D or the current equivalent code requirement; and
8. Within 60 days of approval of the final plat, the applicant shall submit to the Town mylars of the approved plans and an electronic version of these plans in a PDF format for the Town's permanent record.

Private Road Conditional Use Permit (CUP-19-02):

1. The private roadway Conditional Use Permit (the "CUP") shall apply to the property described in the legal descriptions of the "Lavitt Manor II" preliminary plat, Sheet 1, prepared by Montgomery Engineering & Management, LLC and dated July 23, 2019 (the "Property");
2. The CUP shall be in substantial compliance with the submitted plans and documents:
  - a. The Narrative prepared by Brad Cullum;
  - b. The "Lavitt Manor II" preliminary plat, Sheet 1, prepared by Montgomery

- Engineering & Management, LLC and dated July 23, 2019; and
- c. The “Lavitt Manor II Paving, Grading & Drainage Plan” for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 - C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019;
3. Approval of CUP-19-02 is subject to and contingent upon approval and recordation of the “Lavitt Manor II” final plat/subdivision. Thus, CUP-19-02 will not go into effect until the “Lavitt Manor II” final plat/subdivision receives Town Council approval and the approved final plat is recorded with the Maricopa County Recorder’s Office;
  4. The owner(s) of the Property, or successors, shall provide the Town, in a form acceptable to the Town Attorney, a Grant of Access Easement and Private Roadway Maintenance Agreement for the private roadway Tract A. This form shall be reviewed by the Town Attorney, must be in-compliance with applicable local and state laws, and must be recorded with the Maricopa County Recorder’s Office. Said form shall be submitted and approved by the Town prior to recordation of the “Lavitt Manor II” final plat;
  5. Prior to the recordation of the “Lavitt Manor II” final plat, the owner(s) of the Property, or successors, shall submit the required improvement plans for Town Engineer approval and provide a procedure and other forms of assurances necessary for the Town to be in a guaranteed position to complete the construction and related public site improvements as referenced in the “Lavitt Manor II Paving, Grading & Drainage Plan” for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 - C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019;
  6. Prior to issuance of the Certificate of Occupancy or a final inspection for the home(s) located in the “Lavitt Manor II” final plat/subdivision, the property owner(s) or designee(s) shall complete the roadway improvements referenced in CUP-19-02; and
  7. The landscaping located at the corner of private roadway Tract A and Ironwood Drive shall comply and must be maintained to ensure compliance with Section 8-1-13, Corner Vision, of the Town Code.

## **BACKGROUND**

### History:

The subject property is zoned R-43 and was platted in 1994 via the Lavitt Manor subdivision. The applicant is now requesting a Preliminary Plat and private road Conditional Use Permit to turn the property into a two-lot subdivision. There is an existing house, guest house, and tennis court on the property. Since the subdivision cannot create any non-conformities, the existing structures must be demolished prior to recordation of the final plat.

### Preliminary Plat

The subject property is 120,533 square feet (2.8 acres) and is zoned R-43. The property will be subdivided into two new lots, a private roadway tract, and a drainage/utility easement tract adjoining

the new roadway. Lot 1 is 49,096 square feet (1.13 acres), Lot 2 is 49,488 square feet (1.14 acres), private road Tract A is 17,099 square feet (0.39 acres), and drainage/utility easement Tract B is 4,850 square feet (0.11 acres).

*Lot Configuration & Lot Size.* The proposed property meets the R-43 area requirements, including size, lot width, and setbacks. Each lot is rectilinear in shape, meets the 165' diameter circle test, and is greater than one net acre in size (with new Lot 1 at 1.13 acres and new Lot 2 at 1.14 acres).

*Utilities.* Each of the proposed lots will have the required 6 or 8-foot public utility easement along the perimeter of the lot in accordance with Section 6-3-3 of the Town Code. The following utilities will be available to each lot:

- **Electric:** The subject site is located within the APS service area.
- **Water:** Water for this subdivision will be provided by City of Phoenix.
- **Sewer:** Town of Paradise Valley sewer is available to service the new lots (will serve letters from the applicable utility companies and a water service impact study are included in the packet for reference).

*Drainage.* The preliminary grading, drainage, and pavement plan illustrates the site topography and identifies a drainage easement on Lot 1. The grading and drainage plans were updated to include the additional cross sections and the modified drainage easement for the west wash. Each lot will require an individual engineering site/grading and drainage plan with each building permit application submittal. On-site lot retention will also be required with the development of each lot.

*Fire Protection Issues.* The proposed lots are substantially compliant with the standards related to fire protection:

- **Fire Department access:** Lot 1 will have access via Ironwood Drive and the new private roadway. Lot 2 will have direct access via the new private roadway.
- **Fire hydrant spacing/location:** The nearest fire hydrant is located more than 400 feet away from new Lot 2. The Town Code requires a fire hydrant to be located within 400' of a property line. Therefore, the installation of a new fire hydrant will be required with the development of Lot 2 (via the building permit process).
- **Fire sprinkler requirement:** The new homes and structures that will be constructed will have fire sprinklers in accordance with the Town Fire Code.
- **Fire Flow:** The flow rate in this area does not meet the Town Code requirements. The applicant provided a water impact study which identifies an average flow rate is 1,062 gallons per minute (gpm) and the Town Code requires a minimum flow rate of 1,500 gpm. Since the fire flow rate is below the minimum standard, a stipulation was added requiring the fire sprinkler system for the new homes to demonstrate compliance with the National Fire Protection Association standard 13D or the current fire code requirements.

*Landscaping.* The Town Code requires that landscaping be placed between the roadway surface and adjoining property line of existing and new/proposed rights-of-way. 4 fifteen-gallon native trees and 5 one-gallon native shrubs shall be placed every 100 feet adjoining the rights-of-way.

The private road tract (Tract A) is approximately 250 feet long, which requires 8 trees and 10 shrubs

to be planted along each side of the new roadway. The landscape plan identifies 16 trees (12 Blue Palo Verde and 4 Foothill Palo Verde) and 35 shrubs (with a mixture of Globe Mallow, Creosote, Yellow Bells and Mexican Bird of Paradise) will be planted along private roadway Tract A.

The area adjoining the existing roadway, Ironwood Drive, is approximately 180 feet long; which requires 8 trees and 10 shrubs to be planted along the east side of the road (adjoining Lot 1). The landscape plan identifies that 8 trees (3 Blue Palo Verde and 5 Foothill Palo Verde) and 14 shrubs (with a mixture of Globe Mallow, Creosote, Yellow Bells and Mexican Bird of Paradise) will be placed next to Ironwood Drive.

No lighting is associated with the right-of-way landscape improvements. Also, there are no subdivision signs nor subdivisions walls proposed with this improvement.

*Tract B.* The applicant is placing a 20' wide drainage/utility easement track between the new private roadway and the existing property to the south. Tract B was added to retain water from the private roadway, run utilities to the new Lot 2, and to prevent the new private roadway from converting the existing property to the south (located at 7425 N. Ironwood Drive) into a corner lot; which would change the setback requirements for the existing property and possibly create non-conforming structures (since side yards adjoining a right-of-way have greater setbacks than side yards adjoining a residential property).

*N. Ironwood Dr (Existing Public Roadway).* There is approximately 20' of pavement and no curb on the existing roadway. As a result, half street improvements are required to bring the adjoining portion of street into compliance with the Town's requirements. The applicant will add 2' of new ribbon curb adjoining Lot 1. A stipulation will also be added to the preliminary plat identifying that prior to the recordation of the final plat, the applicant shall submit improvement plans for Town Engineer approval and provide an assurance for the Town to be in a guaranteed position to complete the improvements on N. Ironwood Drive.

#### Private Road Conditional Use Permit (CUP)

The applicant is proposing to construct a private road to access Lot 2. The private roadway is labeled as Tract A on the preliminary plat and the roadway improvements are identified on the preliminary grading, drainage, and pavement plan. The private road is compliant with the Town Code and General Plan standards.

*Tract A.* Town Code limits private roadways to:

- A minimum tract width of 50 feet,
- A paved surface width of 18 to 22 feet, and
- A cul-de-sac design with a minimum radius of 45' to enable vehicles to turn around.

The private roadway tract (Tract A) is:

- 50 feet wide,
- Has 18' of paved roadway surface with 2' of ribbon curb on each side, and
- A cul-de-sac design with a 45' radius at the end of the road.

#### Public Notification

Public notification was performed in accordance with the public hearing process. Staff received concern and opposition from two neighbors. The neighbors expressed concern regarding the obstruction of views from the development of the new lots, the nuisance of car lights generated from the new roadway, and concern that the drainage ways are not compliant with the storm drainage design manual. A copy of the draft July 6, 2019 Commission meeting minutes and letters from the neighboring property owners are enclosed for reference.

#### Preliminary Plat & Conditional Use Permit Process

The preliminary plat and conditional use permit are compliant with the Town's development standards. Also, the preliminary plat timing is in conformance with Section 6-2-2 of the Town Code and a stipulation was added identifying that the CUP approval is contingent upon the final plat approval by the Town Council.

#### **ATTACHMENTS:**

Vicinity Map & Aerial Photo  
Preliminary Plat Application  
Conditional Use Permit Application  
Narrative  
Preliminary Plat and Paving, Grading & Drainage Plans  
Landscape Plan  
Drainage Report  
Water Service Impact Study  
Hydrant Flow Test  
Utility Will Serve Letters  
Drainage Easement Agreement  
Access Easement & Private Road Maintenance Agreement  
Noticing Materials  
July 16, 2019 Letter from Neighbor  
July 16, 2019 Presentation from Neighbor's Representative  
July 15, 2019 Email from Neighbor  
July 16, 2019 Draft Planning Commission Meeting Minutes  
August 16, 2019 Letter from Neighbor  
Updated Sheet C-3

CC: Brad Cullum and Dave Montgomery, Applicants